

Significant Residual Impact Guideline

For matters of state environmental significance and
prescribed activities assessable under the
Sustainable Planning Act 2009

Queensland Environmental Offsets Policy
December 2014



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1 Introduction and policy context

1.1 Background and context

An environmental offset condition may be imposed under various State assessment frameworks (such as the *Sustainable Planning Act 2009* (SPA) and *Environmental Protection Act 1994*) for an activity prescribed under the *Environmental Offsets Act 2014* (EO Act), if the activity will, or is likely to have a *significant residual impact* (SRI) on a prescribed environmental matter that is a matter of state environmental significance (MSES).

The EO Act coordinates the delivery of environmental offsets across jurisdictions and places limits on when an environmental offset condition may be imposed. It also provides for the subsequent assessment, delivery and compliance with offset conditions once imposed.

The *Environmental Offsets Regulation 2014* (EO Regulation) provides details of the prescribed activities regulated under existing legislation and the prescribed environmental matters to which the EO Act applies.

The *Environmental Offsets Policy* provides a single, consistent, whole-of-government policy for the assessment of offset proposals provided by authority holders, to satisfy offset conditions and ensure they meet the requirements of the *EO Act*.

1.1.1 Avoid, mitigate, offset approach

The ‘avoid, mitigate, offset’ approach underpins the State’s assessment and decision making processes in relation to environmental matters. Assessment frameworks which have an ‘avoid, mitigate, offset’ obligation, require in the first instance, that impacts on prescribed environmental matters be avoided. If avoidance cannot be achieved, it must be demonstrated that impacts have been carefully managed and minimised (mitigated).

If after all reasonable avoidance and mitigation measure have been taken, there is still a residual impact on a prescribed environmental matter, an offset may be required where the impact is, or is likely, to be ‘significant’.

Applying for an environmental offset does not mean that development with unacceptable impacts will be approved. Offsets simply provide an additional tool that can be used in the application and assessment process.

1.2 Purpose of the guideline

The purpose of this guideline is to assist in determining whether or not a prescribed activity (assessable under SPA) will, or is likely to have a SRI on a MSES, prescribed under the EO Regulation, schedule 2.

The guideline does not provide advice on the type or suitability of a potential offset, should it be determined that a SRI exists for a particular MSES. For prescribed activities assessable under SPA, the type, suitability and quantum of an offset is determined by the State Assessment and Referral Agency (SARA) following negotiation with the relevant technical agency.

Further information regarding the delivery of offsets generally can be found at <http://www.qld.gov.au/environment/pollution/management/offsets/>.

The guideline is a tool to be used by decision makers responsible for assessing an application for a prescribed activity and is also useful for project proponents to understand the decision making criteria used in determining what is, and is not, likely to constitute a SRI.

1.2.1 Relationship with MLES and MNES

This guideline relates only to MSES and does not apply to matters of local environmental significance (MLES) or matters of national environmental significance (MNES).

If a local government chooses to identify MLES within its local government area and develop its own environmental offset requirements, these must be consistent with the EO Act and be contained in the local government planning scheme. The local government planning scheme and relevant offset provisions must be approved by the Planning Minister through the state interest review process outlined in the relevant statutory guideline for making and amending a local planning instrument.

To support local decision making processes and ensure transparency, a local government may develop their own, more specific criteria for *significant residual impacts* on MLES. Any criteria developed by local government for MLES should be made publicly available.

The guideline is not to be used to determine if a project requires assessment for potential impacts on MNES protected by the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) or if an offset would be required under that Act. Information on EPBC Act approval and offset requirements can be found at <http://www.environment.gov.au/epbc>.

A state or local government cannot impose an offset condition for a prescribed activity that has the *same, or substantially the same impact* on the *same, or substantially the same prescribed environmental matter* as the MNES, if it has been assessed as a 'controlled action' under the EPBC Act.

1.3 Document structure

The guideline is structured as follows:

- **Chapter 1: Introduction and policy context** – articulates the purpose of the guideline and explains its application and scope within the context of the environmental offsets framework.
- **Chapter 2: Determining a significant residual impact (SRI)** – describes how to interpret and use the SRI criteria and how the likelihood of a SRI can be reduced.
- **Chapter 3: Prescribed environmental matters (MSES)** – includes the SRI criteria for prescribed activities assessable under SPA, specific to the different MSES.
- **Chapter 4: Glossary** – defines key terms and abbreviations used throughout the guideline.

1.4 Application and scope

1.4.1 When the guideline applies?

This guideline is non-statutory and applies to development that requires an approval in relation to MSES under any of the following modules of the State development assessment provisions under SPA -

- Module 4 (environmentally relevant activities);
- Module 5 (fisheries resources);
- Module 8 (native vegetation clearing);
- Module 10 (coastal protection);
- Module 11 (wetland protection and wild river areas).

Table 1 below lists the specific SDAP modules under which an environmental offset condition may be imposed for certain prescribed environmental matters (MSES).

Table 1: Specific SDAP modules relevant to MSES

Relevant SDAP module	Prescribed environmental matter (MSES)
Module 4: Environmentally relevant activities	All MSES
Module 5: Fisheries resources	Declared Fish Habitat Areas
	Waterway providing for fish passage
	Marine plants
SDAP Module 8: Vegetation clearing	Endangered or of concern regional ecosystems
	Regional ecosystems within the defined distance of a watercourse
	Regional ecosystems that intersects with a wetland
	Connectivity
	Essential habitat
Module 10: Coastal protection	All MSES
Module 11: Wetland protection area	All MSES

If there is still an impact on the MSES after all reasonable avoidance and on-site mitigation measures for the prescribed activity have been or will be undertaken, this guideline should be used to determine the 'significance' of the impact. **Figure 1** below illustrates this process and the point at which the guideline should be used.

The SRI criteria provide a trigger for consideration of offsets, however are to be used as examples only. Once a trigger for an SRI has been met or exceeded, then the total of the impact is included for consideration of an offset – not just the component of impact exceeding the criteria.

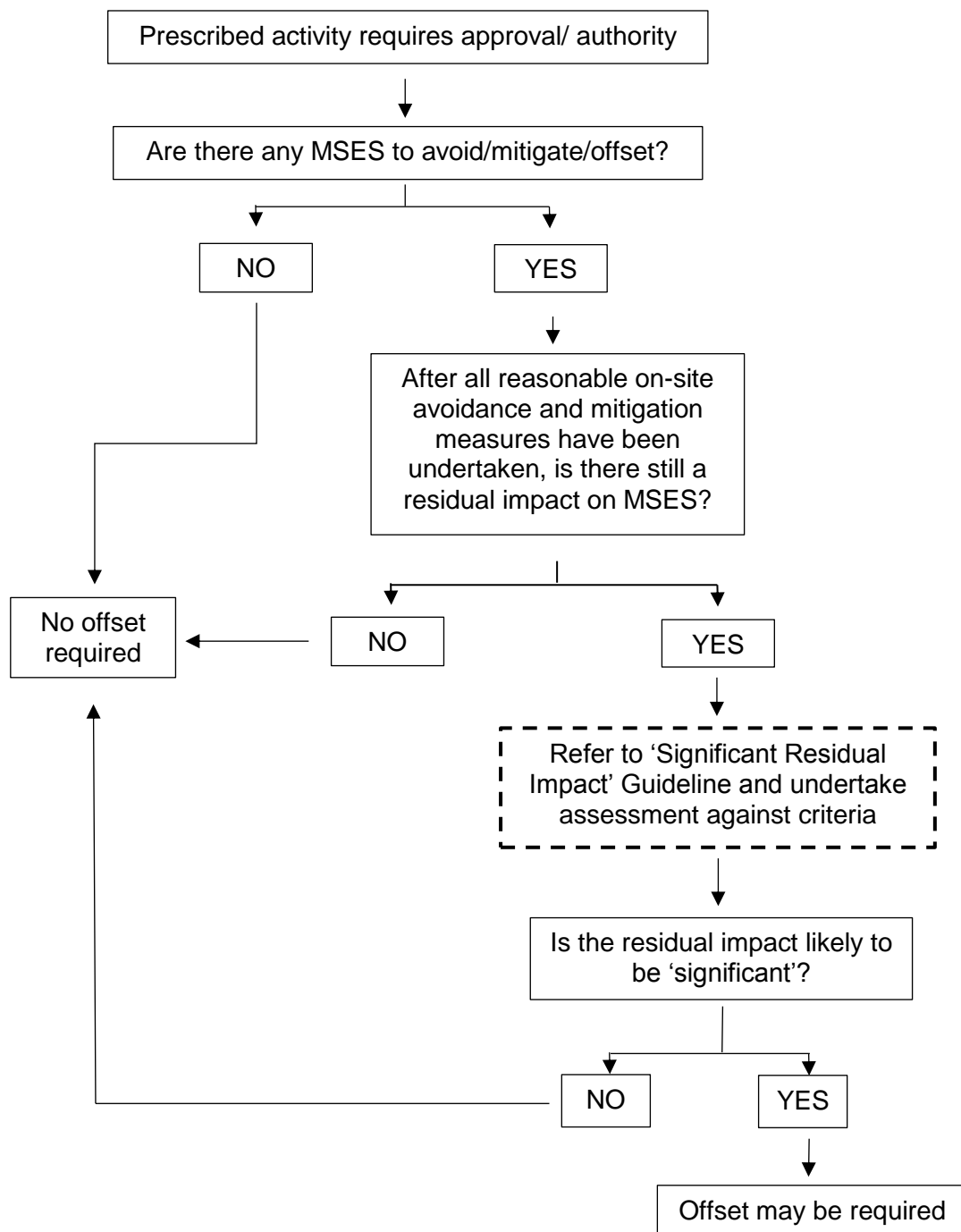
1.4.2 When the guideline does not apply?

This guideline does not apply development that requires approval in relation to MLES or MNES, or to any development that is already exempt from approval under SPA. Exempt development does not require the consideration of offsets.

This guideline also does not apply to a prescribed activity in relation to MSES under any of the following. A separate guideline will be made available for prescribed activities that are assessable under these Acts:

- *Environmental Protection Act 1994*;
- *Marine Parks Act 2004*;
- *Nature Conservation Act 1992*.

Figure 1 – Process for determining the requirement for an offset for MSES (Environmental Offsets Regulation 2014)



2 Determining a SRI for MSES

A SRI is defined under the EO Act, section 8 and includes:

“an adverse impact, whether direct or indirect, of a prescribed activity on all or part of a prescribed environmental matter that:

- a) remains, or will or is likely to remain, (whether temporarily or permanently) despite on-site avoidance and mitigation measures for the prescribed activity; and*
- b) is, or will or is likely to be, significant.”*

The SRI criteria contained in this guideline provide further detail on the interpretation of this definition for each MSES in the context of relevant assessment and approval processes.

An administering agency may impose an environmental offset condition on an authority, only if it is satisfied that the prescribed activity will, or is likely to have a SRI on a prescribed environmental matter.

2.1 Interpreting the SRI criteria

The SRI criteria contained in this guideline provide direction for identifying when an impact on a prescribed environmental matter that is MSES, may be ‘significant’ - specifically in the context of a prescribed activity that is assessable under SPA.

Usually this will include any application that requires assessment against one or more of the modules contained within the State Development Assessment Provisions (SDAP) that is identified in the EO Regulation as a relevant module for a prescribed activity.

The SRI criteria for two prescribed environmental matters are statutory – i.e. the SRI criteria for a protected area or an area that is, or is in, a legally secured offset area, are already defined in the EO Act (refer to sections 8(2) and 8(4)). For completeness these criteria are repeated in this guideline – refer to sections 3.6 and 3.10. The SRI criteria for all other MSES are to be used as guidance only and will need to be considered in the context of each individual application.

Generally, supporting information will need to accompany the application for a prescribed activity where there is likely to be a SRI. Supporting information could take the form of technical reports or studies carried out by a suitably qualified person to confirm the extent, location and nature of the MSES and the impact of the activity on any MSES. An environmental impact statement may also form part of the supporting information in some cases.

The presence of a SRI is the trigger for the consideration of environmental offsets.

2.1.1 Likely and unlikely SRI criteria

The SRI criteria listed in Chapter 3 are categorised according to the circumstances that are **LIKELY** and **UNLIKELY** to result in a SRI on a particular MSES.

The SRI criteria are provided as examples only and the list is not exclusive – for example the **LIKELY** SRI criteria does not automatically mean everything below these thresholds will not have an SRI.

Furthermore, the SRI criteria are not the equivalent of, and do not replace the assessment criteria contained in the SDAP modules. The assessment criteria in SDAP establish the thresholds for what is considered to be an acceptable outcome against the code. These thresholds are not related to the SRI criteria. Rather, the SRI criteria establish the thresholds for the consideration of an environmental offset.

If an application is consistent with the assessment criteria in SDAP, a proponent will generally not be directed to use or respond to this guideline. However it should be noted that although an application may meet the assessment criteria in SDAP, it does not automatically mean there will not be a SRI under the EO Act. Similarly, if an application does not meet the assessment criteria in SDAP, it does not automatically mean that there will be a SRI. Each application will be assessed on a case by case basis to determine if an SRI exists.

2.1.2 Rehabilitation works

Rehabilitation works, such as re-vegetation, may help to prevent or reduce overall environmental harm and degradation, and the likelihood of a SRI. Where rehabilitation requirements on the impact site are included in a condition of the authority, they may be a relevant consideration in determining the significance of the impact.

Should a proponent successfully demonstrate that rehabilitation works on a subject site can mitigate an impact (on any of the MSES mentioned in Chapter 3) to the extent that it would not be considered to be significant, this could negate the requirement for an offset. An offset may still be required if there is a SRI, even if rehabilitation works are undertaken.

In deciding whether or not rehabilitation works would mitigate an impact to the extent it is not a SRI, a decision maker would need to consider the circumstances on a case by case basis.

2.2 Dealing with multiple MSES

Where an activity is proposed on land containing multiple prescribed environmental matters, the significance of the residual impact on each environmental matter will need to be identified and individually assessed. The nature and scale of impacts on each environmental matter may be different and require a different response.

This may, or may not, involve assessment under the SPA and another Act listed in section 1.4.2 of this guideline. Proponents will need to consider the SRI criteria for prescribed activities assessable under SPA and any other SRI criteria for other prescribed activities, if the SPA and another Act apply.

However, multiple offset conditions should not be imposed for the '*same, or substantially the same impact*' on the '*same, or substantially the same*' prescribed environmental matter.

3 Prescribed environmental matters (MSES)

3.1 Regulated vegetation

Regulated vegetation excludes regrowth vegetation and has been defined as Category B areas on the regulated vegetation map that are:

- 'endangered' or 'of concern' regional ecosystems (REs); or
- remnant vegetation within the defined distance of a watercourse identified on the vegetation management watercourses map; or
- remnant vegetation that intersects with an area shown as a wetland on the vegetation management wetlands map; or
- essential habitat (EH) as identified on the essential habitat map.

Within an urban area an offset may only be required for 'endangered' REs (in accordance with the EO Regulation).

Unless otherwise stated, any reference to the extent of vegetation clearing mentioned in the criteria below is generally in relation to the actual 'on-ground' extent rather than the mapped area. If there are significant differences between mapped and 'on-ground' extent this would usually be addressed through a Property Map of Assessable Vegetation (PMAV), which would occur prior to applying these guidelines.

NOTE: The values of the wetland and watercourse itself are not covered in this section—this is determined in section 3.3.

3.1.1 SRI criteria for prescribed activities assessable under SPA

'Endangered' or 'of concern' regional ecosystem (RE)

An action is **LIKELY** to have a SRI on an 'endangered' or 'of concern' RE if the action will result in:

- (a) clearing of more than 5ha of 'endangered' or 'of concern' RE vegetation;
- (b) clearing that results in an overall area (not confined to property boundaries) of 'endangered' or 'of concern' RE vegetation of less than 5ha; **OR**
- (c) clearing that results in the physical separation¹ of 'endangered' and 'of concern' RE communities within and on adjoining sites.

Notwithstanding the above, an action is **UNLIKELY** to have a SRI on an 'endangered' or 'of concern' RE if the action will result in:

- (a) lineal clearing (that is for a purpose under section 22A of the *Vegetation Management Act 1999* (VMA)) within 'endangered' or 'of concern' REs not exceeding the width and area thresholds specified in Table 1, SDAP Module 8² by more than 25%; where an equivalent area which can be mapped as 'endangered' or 'of concern' in the future is being rehabilitated on the subject site;

¹ Physical separation refers to any clearing that would result in the separation of an otherwise intact area of vegetation.

² Table 1, SDAP Module 8: Native vegetation clearing is shown in Figure 2

- (b) clearing of less than 10% of the total mapped area of 'endangered' or 'of concern' REs intersecting the property boundaries of the project, if total clearing is under 5ha; and where an equivalent area which can be mapped as endangered or of concern in the future, is rehabilitated through other locations on the subject site;
- (c) clearing of 'endangered' or 'of concern' REs not exceeding the width thresholds specified in Table 1, SDAP Module 8 by more than 100% or the area threshold by 50%; where rehabilitated on the subject site;
- (d) clearing of 'endangered' or 'of concern' REs within width thresholds specified in Table 1, SDAP Module 8 and not exceeding the area threshold by more than 50%, to a maximum area of 5ha;
- (e) removal of up to 5% of the total mapped area of 'endangered' REs intersecting the property boundaries of the project, where not greater than 25m in width; for the purposes of removing fragments, patches, uneven edges or protruding vegetation;
- (f) removal of up to 10% of the total mapped area of 'of concern' RE intersecting the property boundaries of the project, where not greater than 50m in width; for the purposes of removing fragments, patches, uneven edges or protruding vegetation;
- (g) clearing of 'endangered' or 'of concern' vegetation that is equivalent in size/area to existing exempt clearing to be protected via the proposal (i.e. realignment of a boundary which results in a shorter length of exempt clearing through an existing endangered or of concern area than allowed via the existing boundary); **OR**
- (h) clearing of REs less than 1.1ha in size where surrounding land uses are zoned for urban purposes or future urban purposes under a local planning instrument.

Remnant vegetation within the defined distance of a watercourse

An action is **LIKELY** to have a SRI on remnant vegetation within the defined distance of a watercourse if the action will result in:

- (a) permanent removal of vegetation within the defined distance of a stream order³ 2 or higher⁴ where no rehabilitation is proposed;
- (b) building of an online detention basin greater than 1ha in size or other similar works that result in the clearing of vegetation which fragments up and downstream remnant areas on any stream order; **OR**
- (c) permanent clearing of more than 0.5ha of an endangered or of concern RE, within the defined distance of a watercourse.

Notwithstanding the above, an action is **UNLIKELY** to have a SRI on remnant vegetation within the defined distance of a watercourse, if the action will result in:

- (a) lineal clearing of vegetation (that is for a purpose under section 22A of the VMA) less than 25m in width on a stream order 1 or 2 mapped watercourse, where the works include:
 - i. revegetation of exposed embankment areas (e.g. from a new road crossing and culvert installation) in accordance with a vegetation management or rehabilitation plan,
 - ii. temporary erosion and sediment control until construction is completed or stream banks have been stabilised, **AND**
 - iii. a crossing design which can be demonstrated (through a site specific study or similar) not to interfere with existing aquatic and terrestrial habitat of the watercourse;

³ Stream orders are based on the Strahler stream order classification which considers the hierarchy of tributaries, starting at the top of a catchment where headwater flow paths are assigned first order. Where two first-order streams join, the downstream section is referred to as a second-order stream and so on.

⁴ Stream order 2 or higher means stream order 2, 3, 4 etc. It does not include stream order 1.

- (b) temporary clearing of 'least concern' RE of up to 1 ha on a stream order 1 or 2 where erosion and sediment measures are in place and the area is to be rehabilitated on the subject site;
- (c) removal of vegetation from a partially vegetated / degraded stream order 1 or 2 where revegetation greater than the area removed occurs on other stream order areas within or adjoining the site;
- (d) clearing of 'least concern' RE not containing Essential Habitat up to 1ha for lineal infrastructure (e.g. roads and rail); **OR**
- (e) removal of understorey vegetation of up to 3ha within a remnant area (excluding clearing within the high bank of the watercourse) for the purposes of open space or safety where not removing any trees with a trunk Diameter at Breast Height (DBH) greater than 150mm in diameter.

Remnant vegetation intersecting with a wetland

An action is **LIKELY** to have a SRI on remnant vegetation intersecting with a wetland if the action will result in:

- (a) clearing within the defining banks of a defined wetland area exceeding the thresholds specified in Table 2, SDAP Module 8;
- (b) clearing involving the permanent removal of more than 25% of the vegetation located within 50m of the defining bank of a defined wetland; **OR**
- (c) clearing involving the permanent removal of more than 50% of the vegetation located between 50m and 100m of the defining bank of a defined wetland.

Notwithstanding the above, actions that are **UNLIKELY** to have a SRI on remnant vegetation intersecting with a wetland include low risk activities outside of the wetland area (not surrounding buffer areas) if the action will result in:

- (a) lineal clearing (that is for a purpose under section 22A of the VMA) within 25% of the area and width thresholds in Table 1, SDAP Module 8 where the cleared area is proposed for rehabilitation;
- (b) clearing of vegetation not exceeding the width thresholds specified in Table 1, SDAP Module 8 by more than 100%; where the overall area threshold is not exceeded;
- (c) lineal clearing (that is for a purpose under section 22A of the VMA) that does not exceed the width thresholds specified in Table 1, SDAP Module 8 and does not exceed the area threshold by more than 50%;
- (d) clearing that is not within 50m of the defining bank of a wetland and does not exceed the width thresholds specified in Table 1, SDAP Module 8 by more than 100% or the area threshold by 50%, where the cleared area is proposed to be rehabilitated;
- (e) clearing of less than 2ha and not within 50m of the defining bank of a wetland for low impact open space uses⁵ where other management measures (e.g. erosion and sediment control etc.) are included to achieve any of the relevant performance outcomes of SDAP Module 8;
- (f) clearing for any lineal infrastructure (e.g. roads and rail) not greater than 50m in width, which results in the permanent removal of less than 25% of the vegetation located within 50m of the defining bank of a wetland and where management plans are demonstrated to achieve the performance outcome of SDAP Module 8; **OR**
- (g) clearing within 100m of a wetland where it can be demonstrated the vegetation type is not associated with the wetland (e.g. separated by topography / catchments or other physical barriers).

⁵ Examples of low impact open space uses include uses which result in non hardstand finishes and require only partial/selective clearing of vegetation in accordance with the criteria.

Essential Habitat (EH)

An action is **LIKELY** to have a SRI on EH if the action will result in:

- (a) clearing of EH exceeding the thresholds specified in Table 1, SDAP Module 8, and resulting in a greater than 10% permanent reduction in the extent of EH mapped on site.

Notwithstanding the above, an action is **UNLIKELY** to have a SRI on EH if the action will result in:

- (a) lineal clearing (that is for a purpose under section 22A of the VMA) within EH not exceeding the width and area thresholds specified in Table 1, SDAP Module 8 by more than 25%, and where an equivalent area which can be mapped as EH in the future is rehabilitated on the subject site;
- (b) clearing of less than 10% of the total mapped areas of EH on-site; where the remaining 90% is protected through a legally binding agreement (or similar) in order to maintain ecosystem function (e.g. to continue to support the species for which the EH is derived);
- (c) temporary clearing of EH vegetation not exceeding the width thresholds specified in Table 1, SDAP Module 8 by more than 100% or the area threshold by more than 50%; where cleared EH vegetation is rehabilitated, on the subject site;
- (d) clearing of EH vegetation complying with the width thresholds specified in Table 1, SDAP Module 8 and exceeding the area threshold by less than 50%;
- (e) removal of EH vegetation exceeding the width and area thresholds specified in Table 1, SDAP Module 8 and where through the remapping of other vegetation the site results in an increase in the extent of mapped EH vegetation; **OR**
- (f) removal of fragmented or isolated areas of EH where the equivalent area of EH can be added to a larger retained vegetated area displaying the same EH factors, by revegetation.

Figure 2: Clearing limits - width and area thresholds (Table 1, SDAP Module 8)

(DSDIP, SDAP Module 8: Native vegetation clearing, Reference Table 1)

Clearing limits per regional ecosystem structure category		
Structure category	Width (metres)	Area (hectares)
Dense and mid-dense*	10	0.5
Sparse and very sparse*	20	2
Grassland*	25	5

*Editor's note: Refer to the structure category within the *Regional Ecosystem Description Database* available on the Department of Environment and Heritage Protection website.

3.2 Connectivity areas

Connectivity areas are areas of remnant vegetation outside urban areas containing prescribed regional ecosystems that are required for ecosystem functioning (a connectivity area).

In deciding if a SRI is likely to occur on a connectivity area, an administering agency (that is the State) must consider the significance of the vegetation in the context of the local and the regional landscape. The measure of impact significance is based on how the prescribed activity will change the size and configuration of remnant vegetation areas and the level of fragmentation that will result at the local scale (5km radius) given regard to the regional scale (20km radius). Impact significance is measured by the reduction in the extent of remnant vegetation and increase in patchiness at the local scale.

In highly fragmented landscapes at the regional scale, a SRI on connectivity areas will be associated with smaller impacts compared to impacts within regionally intact landscapes, as the extent and configuration of existing connectivity areas in fragmented landscapes is limited.

If the prescribed activity will have a SRI on connectivity areas, then offsets will be required at a multiplier of one and will need to be located in fragmented subregions to ensure that any lost connectivity is replaced in another fragmented landscape.

3.3 Wetlands and watercourses

An offset may be required for the following wetlands and watercourses:

- wetland in a wetland protection area (WPA);
- wetland of high ecological significance (HES); and
- wetland or watercourse in a high ecological value (HEV) water.

NOTE: This section only considers SRI criteria in relation to the values of the wetland and watercourse itself and not the regulated vegetation that is within a mapped wetland or the defined distance of a watercourse – this is determined in section 3.1.

3.3.1 SRI criteria for prescribed activities assessable under SPA

An action is **LIKELY** to have a SRI on a wetland or watercourse if:

- (a) works are undertaken within a wetland in a WPA, a wetland of HES or the bed or banks of a HEV watercourse that will result in a permanent degradation of the landform, vegetation or water quality⁶;
- (b) in an urban area, works are undertaken within 50m of a wetland in a WPA, a wetland of HES or the bed or banks of a HEV watercourse that will result in a permanent and significant change to surface or groundwater hydrology or water quality; **OR**
- (c) in a non-urban area, works are undertaken within 200m of a wetland in a WPA, a wetland of HES, or the bed or banks of a HEV watercourse that will result in a permanent and significant change to surface or groundwater hydrology or water quality.

Notwithstanding the above, an action is **UNLIKELY** to have a SRI on a wetland or watercourse if:

- (a) the mapped wetland in a WPA, wetland of HES or a wetland or watercourse in a HEV water is determined as not having 'high' or 'very high' conservation values using AquaBAMM or an appropriate assessment technique agreed with the assessing department (i.e. the site should not be mapped as having HEVs);
- (b) no works are undertaken within 50m of a wetland in a WPA, a wetland of HES or a HEV watercourse or works undertaken within 50m of a wetland in a WPA or a HEV watercourse will not result in a significant change to the function of the wetland or watercourse including no significant changes to surface and groundwater hydrology and water quality; **OR**
- (c) all works undertaken within 50m of a wetland in a WPA or a HEV watercourse, rehabilitate land (including drainage and flow paths) and vegetation to their pre-disturbance condition within a time period or condition agreed to by the assessing department.

⁶ Water quality guidelines are listed in Section 4, Glossary

3.4 Designated precincts in Strategic Environmental Areas

The *Regional Planning Interests Act 2014* (RPI Act), which commenced on 13 June 2014, repealed the *Wild Rivers Act 2005*. The river systems that were declared under the Wild Rivers legislation have been rolled into the RPI Act framework as Strategic Environmental Areas (SEAs).

The RPI Act SEAs are:-

- the Cape York Strategic Environmental Area
- the Channel Country Strategic Environmental Area
- the Frazer Island Strategic Environmental Area
- the Gulf Rivers Strategic Environmental Area
- the Hinchinbrook Island Strategic Environmental Area

The part of a wild river area described in a wild river declaration as the high preservation area has been converted to a designated precinct in the SEA.

A designated precinct in an SEA is MSES.

An activity that has the potential to have a widespread or irreversible impact on an environmental attribute of a designated precinct in an SEA is considered to be an unacceptable use.

An activity that does not have a widespread or irreversible impact on an environmental attribute of a designated precinct within the SEA may still have a significant residual impact on an environmental attribute of a designated precinct. In which case, an offset may be required.

3.5 Protected wildlife habitat

Offsets may be required for the following protected wildlife habitat:

- an area that contains plants that are 'endangered' or 'vulnerable' wildlife;
- a habitat for an animal that is 'endangered' or 'vulnerable' wildlife or a special least concern animal, including areas or features used by an animal for foraging, roosting, nesting or breeding;
- koala habitat that is classified as essential habitat on the essential habitat map; and
- an area shown as bushland habitat, high value rehabilitation habitat or medium value rehabilitation habitat on the map called 'Map of Assessable Development Area Koala Habitat Values' that applies under the South East Queensland Koala Conservation State Planning Regulatory Provisions (Koala SPRP).

3.5.1 SRI criteria for prescribed activities assessable under SPA

PLANTS - Protected wildlife habitat (plants that are 'endangered' or 'vulnerable' wildlife)

An action is **UNLIKELY** to have a SRI on a plant that is 'endangered' or 'vulnerable' wildlife if the action will result in:

- (a) clearing of plants that are threatened wildlife and not located within a natural setting (i.e. does not meet the definition of 'in the wild' under the *Nature Conservation Act 1992*) where the proposal includes translocation;
- (b) clearing of up to 10% of the total number of plants that are threatened wildlife occurring on a site where the proposal results in 90% of all plants that are threatened wildlife being retained and protected as a reserve or similar;
- (c) clearing of regenerating plants that are threatened wildlife which have previously been cleared within the last 5 years and that are historically maintained through slashing or grazing; **OR**
- (d) the proposed relocation of an area of plants that are threatened wildlife less than 1000m² not occurring in a relatively natural ecological situation (e.g. bushland), to a permanent retention area via an approved management plan.

ANIMALS - Protected wildlife habitat (habitat for an animal that is 'endangered' or 'vulnerable' wildlife or a special least concern animal⁷)

An action is **LIKELY** to have a SRI on habitat for an animal that is 'endangered' or 'vulnerable' wildlife if the action will:

- (a) lead to a long-term decrease in the size of a local population;
- (b) reduce the extent of occurrence of the species;
- (c) fragment an existing population;
- (d) avoid genetically distinct populations forming as a result of habitat isolation;
- (e) result in invasive species that are harmful to an endangered or vulnerable species becoming established in the endangered or vulnerable species' habitat;
- (f) introduce disease that may cause the population to decline,
- (g) interfere with the recovery of the species; **OR**
- (h) cause disruption to ecologically significant locations (breeding, feeding, nesting, migration or resting sites) of a species.

⁷ Excluding koala habitat under the Koala Conservation SPRP

An action is **LIKELY** to have a SRI on a special least concern (non-migratory) animal wildlife habitat if the action will result in:

- (a) a long-term decrease in the size of a local population;
- (b) a reduced extent of occurrence of the species;
- (c) fragmentation of an existing population;
- (d) reduced gene flow among populations; **OR**
- (e) disruption to ecologically significant locations (breeding, feeding or nesting sites) of a species.

ANIMALS - Protected wildlife habitat (koala habitat under the Koala SPRP)

Refer to the divisional criteria contained in the Koala SPRP.

3.6 Protected areas

Protected areas are declared under the *Nature Conservation Act 1992* for the conservation of Queensland's natural and cultural resources. An offset may be required for the following classes of protected areas:

- national parks;
- national parks (Aboriginal land);
- national parks (Torres Strait Islander land);
- national parks (Cape York Peninsula Aboriginal land);
- regional parks; and
- nature refuges.

3.6.1 SRI criteria for prescribed activities assessable under SPA

Under section 8(2) of the *Environmental Offsets Act 2014*, an impact on a protected area is significant if a prescribed activity results, or will or is likely to result, in **one or more of the following**:

- the authorised clearing or inundation of all or part of the protected area for the construction of private or publicly owned infrastructure on the area;
- the exclusion of, or reduction in, the public use or enjoyment of all or part of the protected area;
- a reduction in the natural values or cultural values of all or part of the protected area.

Please note that these are statutory criteria and apply to prescribed activities assessable under SPA or another Act.

An impact may result in a reduction in the natural and cultural values of a protected area or the exclusion of, or reduction in, the public use and enjoyment of a protected area if, for example, the impact on the area will:

- damage, modify, alter or obscure important geological formations, landforms or landscape features, for example, by clearing, excavating or infilling the land surface in a protected area;
- modify, alter or inhibit landscape processes, for example, by accelerating or increasing susceptibility to erosion, or stabilising mobile landforms such as sand dunes in a protected area;
- divert, impound or channelise a river, wetland or other water body in a protected area.

3.7 Declared Fish Habitat Areas and highly protected zones of State marine parks

Fish Habitat Areas (FHAs) are declared under the *Fisheries Act 1994* for the protection and management of high value fish habitat along the Queensland coast. Declared Fish Habitat Areas protect critical wetlands to ensure fisheries productivity and legal fishing access to these areas. A two tiered management approach is applied in declared FHAs, management A or B. Management A is the higher, more restrictive management level whereas management B is applied in locations where existing or planned uses require a more flexible management approach.

Only works that are for a prescribed FHA development purpose, listed in the Fisheries Regulation 2008, may be considered for approval within a FHA. All FHAs are defined as a prescribed environmental matter and therefore approvals for works within a FHA are subject to offset considerations. Plans of each declared FHA and the FHA management policies are available on the National Parks Recreation Sport and Racing (NPRSR) website www.nprsr.qld.gov.au (search for 'fish habitat areas').

Marine parks are declared under the *Marine Parks Act 2004* over Queensland state waters to protect and conserve the values of the marine environment while allowing for its sustainable use. Zoning plans for each marine park are the primary tool used for managing the marine parks, with these zones used to manage different activities and separate potentially conflicting uses, while maintaining each park's unique biodiversity values.

Each marine park zone has specific management objectives. Only works that are compatible with the management objectives of the zone within which they are proposed, may be considered for approval. The highly protected zones of the marine parks are defined as a prescribed environmental matter and therefore permissions for works within these zones are subject to offset considerations. These highly protected zones are:

- preservation zones;
- marine national park zones;
- scientific research zones;
- buffer zones; and
- conservation park zones.

Plans of the marine parks and zoning arrangements are available on the NPRSR website www.nprsr.qld.gov.au (search for 'marine parks').

3.7.1 SRI criteria for prescribed activities assessable under SPA

An action is **LIKELY** to have a SRI on a declared FHA or highly protected zones of marine parks if the action:

- (a) is not for a purpose or a structure type listed below; **AND**
- (b) will result in a residual disturbance footprint within the declared FHA and/or highly protected marine park zone of 40m² or greater in area.

NOTE: If the action is determined to result in a SRI, the impact area that will be used for the purpose of offset calculations will be the entire residual disturbance footprint area, not just that component that is greater than 40m².

Notwithstanding the above, actions that are **UNLIKELY** to result in a SRI on a declared FHA or highly protected zones of marine parks include:

- (a) construction of a private or public erosion protection wall, if the wall is less than 25m in length or has a residual disturbance footprint of less than 40m² in area;
- (b) public works to facilitate general community access, safe use and appreciation of FHA and marine park (means: public boat ramps and associated queuing beaches, public pontoons, public jetties, public fishing platforms , public bird hides, public boardwalks, access steps and walkways, navigation aids and signage). Note: capital dredging is not captured under this purpose;
- (c) public works for the enhancement or management of the FHA or marine park (e.g. installing a fence or bollards to prevent uncontrolled vehicle access);
- (d) maintenance of existing approved structures (or structures that predated the declaration of the marine park or FHA);
- (e) maintenance dredging of an existing approved navigation channel or approved dredge area;
- (f) placement of a material within an existing approved dredge material placement area or an existing approved beach nourishment site where the proponent can demonstrate historical ongoing use;
- (g) removal of existing structures;
- (h) works for habitat restoration projects;
- (i) works for public health and safety (e.g. runnelling for mosquito control);
- (j) works associated with research, education and monitoring;
- (k) structures that span the declared FHA or highly protected zones of marine parks (e.g. powerlines, bridges with no permanent components in contact with the substrate within the declared FHA or highly protected zones of marine parks);
- (l) directional drilling beneath the declared FHA or highly protected zones of marine parks with no element of the drilling works breaking the substrate surface of the FHA or highly protected zones of marine parks;
- (m) works within a declared FHA that are compatible with a Fisheries Self Assessable Code;
- (n) any other works within the FHA that are required to maintain the function of existing infrastructure within the FHA; **OR**
- (o) any works that may occur above or below the FHA that will not have any direct or indirect impacts on that area.

3.8 Waterway providing for fish passage

An environmental offset may be required for any part of a waterway that provides for passage of fish (other than that part of a waterway within an urban area) if the construction, installation or modification of waterway barrier works carried out under an authority will limit the passage of fish along the waterway.

Many Australian fish need free fish passage along waterways in order to complete seasonal and flow related migration and movements to access seasonally available food sources or breeding habitat. Stream connectivity and habitat diversity are crucial components of healthy waterways. Waterway barriers (such as dams, weirs and stream crossings) fragment fish habitat and hamper fish movement through the creation of physical barriers and alterations to local hydrology and and/or water quality.

Increased water depth upstream of barriers can result in loss of in-stream plants, leading to reduced food supply or loss of breeding habitat. Barriers to fish passage also result in indirect impacts such as alteration of local flow conditions and water quality up and or downstream.

Barriers to fish passage can restrict and/or isolate fish communities, preventing access to, and benefits of fish habitats otherwise available to them. Poorly designed structures can injure or kill fish moving over or around them, or fish may become stranded and subjected to inappropriate water quality, lack of food, increased predation, crowding or other conditions that impact on their health, wellbeing and productivity.

3.8.1 SRI Criteria for prescribed activities assessable under SPA

An action is **LIKELY** to have a SRI on a waterway providing for fish passage if the action will result in:

- (a) a permanent modification to the volume, depth, timing, duration or flow frequency of the waterway;
- (b) permanent modification or fragmentation of fish habitat including but not limited to in stream vegetation, snags and woody debris, substrate, bank or riffle formation necessary for breeding and/or survival of native fish species;
- (c) the mortality or injury of fish species; **OR**
- (d) works that permanently reduce the level of fish passage provided in a tidal waterway or a waterway identified as a major high risk waterway for waterway barrier works, to a level that would increase stress on fish populations.

Notwithstanding the above, an action is **UNLIKELY** to have a SRI on a waterway providing for fish passage if:

- (a) measures have been put in place to provide equal or better fish passage for the waterway during construction and operation activities; **AND**
- (b) the waterway is restored to its existing condition immediately on completion of the works; **OR**
- (c) for works that permanently alter existing fish passage, equal or better passage will be provided immediately on completion of the works.

3.9 Marine plants

Marine plants are protected under the *Fisheries Act 1994*. Marine plants are part of the mosaic of fish habitats, and are an integral and usually highly visible feature of the coastline.

Queensland has a very high diversity of marine plant species, including mangroves, seagrass, saltcouch, algae, samphire (succulent) vegetation and adjacent plants, such as melaleuca (paper barks) and casuarina (coastal she-oaks). Effective management and protection of all marine plants and adjacent coastal areas is important in ensuring sustainable fish habitats and fisheries production.

Marine plants are vital natural resources that provide shelter, food and nursery areas to about 75% of fish species caught in Queensland. Marine plants are a fundamental part of fish habitats in Queensland, as they help sustain fish for the future of commercial, traditional and recreational fishing. Marine plants provide a range of important environmental services including shoreline stability and protection from coastal conditions.

3.9.1 SRI Criteria for prescribed activities assessable under SPA

An action is **LIKELY** to have a SRI on marine plants if:

- (a) more than 50m² of marine plants above tidal limits will be permanently removed as a result of the project; **AND**
- (b) onsite rehabilitation or restoration will not result in an equal or larger area of marine plants, providing equal or better fisheries values, within 5 years of clearing.

Notwithstanding the above, an action is **UNLIKELY** to have a SRI on marine plants if:

- (a) the removal or destruction of marine plants is within an additional 25% of an area or linear width of clearing that would otherwise be exempt from code assessment;
- (b) the area impacted is expected to return to its pre disturbance condition within 5 years;
- (c) the removal of marine plants is associated with coastal protection work or other approved marine development and will disturb less than 50m² of marine plants, and the marine plants being removed are above tidal limits (HAT) or bankfull width;
- (d) the removal of marine plants does not exceed 25m²; **OR**
- (e) onsite rehabilitation or restoration results in at least an equal area of marine plants, providing similar or better fisheries values, within 5 years of clearing.

3.10 Legally secured offset areas

Legally secured offset areas are any areas declared as an environmental offset protection area, high nature conservation value under the *Vegetation Management Act 1999* or another area prescribed under a regulation. Section 2.3.1.4 of the Queensland Environmental Offsets Policy provides a complete list of other areas that are considered to be a legally secured offset area including:

- an environmental offset protection area under section 30 of the Environmental Offsets Act 2014;
- an area declared as an area of high nature conservation value under section 19F of the Vegetation Management Act 1999, where it is secured for the purposes of an environmental offset
- declared as a nature refuge under section 46 of the Nature Conservation Act 1992, where it is secured for the purposes of an environmental offset
- declared as a protected area under section 29(1) of the Nature Conservation Act 1992, where it is secured for the purposes of an environmental offset; or
- secured as a statutory covenant for environmental purposes under the Land Act 1994 or Land Title Act 1994;
- declared as a fish habitat area under the Fisheries Act 1994; or
- declared as a highly protected area of a Marine Park under the Marine Parks Act 2004.

3.10.1 SRI criteria for prescribed activities assessable under SPA

Under section 8(4) of the *Environmental Offsets Act 2004*, an action is likely to have a significant residual impact on a legally secured offset area or other prescribed environmental matters within the legally secured offset area where the impacts of the development is likely to result in **one or more of the following**:

- for the prescribed environmental matter, or matters, for which the area was set aside for the purposes of an environmental offset—a use of the area that is inconsistent with how the environmental offset was or is required to be undertaken to achieve a conservation outcome for the prescribed environmental matter under a delivery or management plan or agreement;
- for any other prescribed environmental matter in the area—a significant residual impact as mentioned elsewhere in this guideline.

Please note that these are statutory criteria and apply to prescribed activities assessable under SPA or another Act.

4 Glossary

AWQ guidelines means the document called 'Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000' published under the program known as the *National Water Quality Management Strategy*, by the Australian and New Zealand Environment and Conservation Council and the Agriculture and Resource Management Council of Australian and New Zealand.

Bioregion has the same meaning given to it under the Queensland Environmental Offsets Policy.

Category B area means vegetation that is a category B area within the meaning of the *Vegetation Management Act 1999*, section 20AM.

Clearing (for the purposes of section 3.6) means to remove, cut down, ringbark, push over, poison or destroy in any way including by burning, flooding or draining; but does not include destroying standing vegetation by stock, or lopping a tree. Clearing for routine transport, electricity or safety purposes under the associated Acts are exempt to the extent set out in those Acts.

Cultural values means places or objects that have anthropological, archaeological, historical, scientific, spiritual or sociological significance or value, including such significance or value under Aboriginal tradition or Island custom.

Defining bank is the bank which confines the seasonal flows but may be inundated by flooding from time to time. This can be either:

- a) the bank or terrace that confines the water before the point of flooding, or
- b) where there is no bank the seasonal high water line which represents the point of flooding.

NOTE: further guidance on a defining bank can be found at Department of Natural Resources and Mines website (available in chapter 4.7 of the 'Managing weeds – a self-assessable vegetation clearing code' from www.dnrm.qld.gov.au (search for 'managing weeds')).

Endangered regional ecosystem (RE) means a RE declared to be an endangered RE under the *Vegetation Management Act 1999*, section 22LA.

Endangered wildlife or vulnerable wildlife means an animal or plant that is endangered wildlife, or vulnerable wildlife, under the *Nature Conservation Act 1992*.

Exclusion of, or reduction in, the public use or enjoyment (for the purposes of section 3.6) means fencing or installing a gate in an area so that the public can no longer access it or causing the public to be excluded from an area in another way such as by signage or excluding the public under an authority issued under another act (for example the *Mineral Resources Act 1989*) such that the public can no longer legally access, use and enjoy the area.

Fish means fish regulated under the *Fisheries Act 1994*.

Fish habitat is defined under the *Fisheries Act 1994* and includes land, waters and plants associated with the life cycle of fish, and includes land and waters not presently occupied by fisheries resources.

Habitat (for the purposes of section 3.5) is the area occupied, or periodically or occasionally occupied, by any threatened species, population or ecological community and includes all the

different aspects (both biotic and abiotic) used by species during the different stages of their life cycles.

High ecological value (HEV) waters means as defined in the Environmental Protection (Water) Policy 2009.

Highly protected zone means:

- a) a zone classified, under the *Marine Parks Act 2004*, as a conservation park zone, marine national park zone or preservation zone; or
- b) another area prescribed under a regulation or zoning plan, under the *Marine Parks Act 2004*, as a highly protected area.

In the wild see the *Nature Conservation Act 1992*.

NOTE: The Operational policy – Wildlife management provides further information <https://www.ehp.qld.gov.au/licences-permits/plants-animals/documents/op-protected-plant-wild.pdf>

Inundation means to cover with water, especially flooding an area (as in the construction of a dam).

Long-term decrease means any decline in a local population that is greater than which would be apparent without the action being present.

Lopping a tree, means cutting or pruning its branches, but does not include—

- a) removing its trunk; and
- b) cutting or pruning its branches so severely that it is likely to die.

Map of referable wetlands see the *Environmental Protection Regulation 2008*, schedule 12, part 2.

Marine plants are defined under the *Fisheries Act 1994* and include the following:

- a) a plant (a tidal plant) that usually grows on, or adjacent to, tidal land, whether it is living, dead, standing or fallen;
- b) material of a tidal plant, or other plant material on tidal land;
- c) a plant, or material of a plant, prescribed under regulation or management plan to be a marine plant.

Maintenance (for the purposes of section 3.7) means works to keep a structure in due condition, operation or force; keep unimpaired; keep its function.

Natural values means the natural and physical features of the area; including wildlife, soil, water, minerals and air.

Of concern regional ecosystem (RE) means a RE declared to be an of concern RE under the *Vegetation Management Act 1999*, section 22LB.

Passage, for fish, means the natural movement patterns of fish species required to maintain the biological integrity of the species.

Plant that is endangered wildlife or vulnerable wildlife means a plant that is endangered wildlife, or vulnerable wildlife, under the *Nature Conservation Act 1992*.

Population for a species is defined as an occurrence of the species in a particular area. In relation to endangered, vulnerable and special least concern species, occurrences include but are not limited to:

- a geographically distinct regional population, or collection of local populations; or
- a population, or collection of local populations, that occurs within a particular bioregion.

Prescribed activity see Section 9 of the *Environmental Offsets Act 2014*.

Prescribed regional ecosystem see Environmental Offsets Regulation 2014, schedule 2.

Public works means works by, or on behalf of Local, State and Commonwealth Government.

QWQ guidelines means the document called 'Queensland water quality guidelines 2009' published by the Department of Environment and Heritage Protection.

Regional ecosystem (RE) means a RE (other than a RE mentioned in the Vegetation Management Regulation 2012, schedule 5), located in a category B area on the regulated vegetation management map, to the extent the RE contains remnant vegetation.

Remnant vegetation means vegetation forming the predominant canopy of the vegetation:

- a) covering more than 50% of the undisturbed predominate canopy; and
- b) averaging more than 70% of the vegetation's undisturbed height; and
- c) composed of species characteristic of the vegetation's undisturbed predominant canopy.

Residual disturbance footprint means the area of approved works within the declared FHA or highly protected marine park zone within which the habitats, substrate type and profile, hydrology and flora and fauna communities will not be completely restored to their pre-works condition and be effectively functioning within five years of the commencement of the approved works. Note the area directly beneath a permanent structure is considered to be permanently impacted.

Revegetation means replanting and rebuilding the soil of land not currently mapped as a prescribed regional ecosystem, using species from adjoining or nearby prescribed regional ecosystems.

Urban area see the Sustainable Planning Regulation 2009, schedule 26.

Watercourse (for the purpose of regional ecosystems – section 3.1) means an area of land that is:

- a) between the defining banks of a natural channel, whether artificially modified or not, in which water flows permanently or intermittently; OR
- b) shown:
 - (i) as a watercourse at a scale of 1:25 000 on the vegetation management watercourse map for the local government areas of Brisbane, Moreton Bay, Gold Coast, Sunshine Coast, Logan and Redlands, excluding applications to clear vegetation for extractive industry
 - (ii) as a watercourse shown on the vegetation management watercourse map for all other local governments and applications to clear vegetation for extractive industries.

Watercourse (for the purpose of section 3.3) is a river, creek or stream in which water flows permanently or intermittently:

- a) in a natural channel, whether artificially modified or not; or
- b) in an artificial channel that has changed the course of the watercourse.

A watercourse includes the bed and defining banks and any other element of a river, creek or stream confining or containing water.

Waterway includes a river, creek, stream, watercourse or inlet of the sea.

Waterway barrier works means a dam, weir or other barrier across a waterway.

Water quality guidelines, for particular water, means —

- a) the following documents:
 - (i) site specific documents for the water;
 - (ii) the QWQ guidelines;

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- (iii) the AWQ guidelines;
 - (iv) other relevant documents published by a recognised entity; and
 - b) for water mentioned in the Environmental Protection (Water) Policy 2009 schedule 1, column 1—the indicators stated in the document opposite the water in schedule 1, column 2.

Wetland (for the purpose of regional ecosystems – section 3.1) means an area of land that supports plants or is associated with plants that are adapted to and dependent on living in wet conditions for at least part of their life cycle, and are shown on the vegetation management wetlands map.

Wetland in a wetland protection area (WPA) (for the purposes of section 3.3) means an area shown as a wetland on the Map of Referable Wetlands.

Wetland environmental values include:

- a) the health and biodiversity of the wetland's ecosystem;
- b) the wetland's natural state and biological integrity;
- c) the presence of distinct or unique features, plants or animals and their habitats, including extinct in the wild wildlife, vulnerable wildlife, near threatened wildlife and least concern wildlife under the *Nature Conservation Act 1992*;
- d) the wetland's natural hydrological cycle;
- e) the natural interaction of the wetland with other ecosystems, including other wetlands.

Wetland of high ecological significance (HES) (for the purposes of section 3.3) means an area shown as a wetland of HES on the Map of referable wetlands.

Wetland protection area means an area shown as a wetland protection area on the Map of referable wetlands.

Zone (in relation to section 3.7) means a zone established for a marine park by a zoning plan.

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